

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Sylvia Brown,)	Civil Action No.: 2:11-3543-RMG-BHH
)	
Plaintiff,)	
)	<u>REPORT AND RECOMMENDATION</u>
vs.)	<u>OF MAGISTRATE JUDGE</u>
)	
Pathology Service Associates LLC,)	
)	
Defendant.)	

On December 29, 2011, Plaintiff brought the instant employment discrimination action against Defendant Pathology Service Associates LLC. (See Dkt. No. 1.) Although Plaintiff was originally represented by counsel, on May 16, 2012, the undersigned granted counsel's Motion to Withdraw as Attorney. (Dkt. No. 16; see also Dkt. No. 15.) Plaintiff is now proceeding *pro se*.

On January 14, 2013, Defendant filed a Motion for Summary Judgment. (Dkt. No. 34.) By order of this court filed January 15, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Plaintiff was advised of the summary judgment procedure and the possible consequences if she failed to respond adequately. (Dkt. No. 35.) Despite this explanation, the Plaintiff did not respond to the motion.

As the Plaintiff is proceeding *pro se*, the court filed a second order on February 27, 2013, giving the Plaintiff through March 19, 2013, to file her response to the Motion for Summary Judgment. (Dkt. No. 37.) The Plaintiff was specifically advised that if she failed to respond, this action would be dismissed with prejudice for failure to prosecute. The Plaintiff did not respond.

Based on the foregoing, it appears the Plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed *with prejudice* for lack of prosecution and for failure to comply with this Court's orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v.*

Lopez, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce Howe Hendricks
United States Magistrate Judge

March 25, 2013
Charleston, South Carolina